

**CITY OF OREM**  
**PLANNING COMMISSION MEETING MINUTES**  
**MAY 6, 2015**

The following items are discussed in these minutes:

**MOUNTAINLAND HEAD START – APPROVED**  
**PD-1 DEVELOPMENT STANDARDS – RECOMMEND APPROVAL**  
**OREM RETAIL CENTER – APPROVED**  
**PD-21 ZONE DEVELOPMENT STANDARDS – CONTINUED**  
**REZONE PD-42 – CONTINUED**  
**REZONE PD-43 - CONTINUED**

**STUDY SESSION**

**PLACE –** Orem City Main Conference Room

**At 3:30 p.m.** Chair Moulton called the Study Session to order.

**Those present:** Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten, Planning Commission members; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Brandon Stocksdale, Planner; Sam Kelly, City Engineer; Cliff Peterson, Private Development Engineer; Paul Goodrich, Transportation Engineer; David Spencer, City Council Liaison and Loriann Merritt, Minutes Secretary

**Those excused:** Becky Buxton and Carlos Iglesias, Planning Commission members; Steve Earl, Legal Counsel

The Commission and staff briefly reviewed agenda items and minutes from April 22, 2015 meeting and adjourned at 4:25 p.m. to the City Council Chambers for the regular meeting.

**REGULAR MEETING**

**PLACE -** Orem City Council Chambers

**At 4:30 p.m.** Chair Moulton called the Planning Commission meeting to order and asked Mike Walker, Planning Commission member, to offer the invocation.

**Those present:** Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten, Planning Commission members; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Brandon Stocksdale, Planner; Sam Kelly, City Engineer; Cliff Peterson, Private Development Engineer; Paul Goodrich, Transportation Engineer; David Spencer, City Council Liaison and Loriann Merritt, Minutes Secretary

**Those excused:** Becky Buxton and Carlos Iglesias, Planning Commission members; Steve Earl, Legal Counsel

Chair Moulton introduced **AGENDA ITEM 3.1** as follows:

**AGENDA ITEM 3.1** is a request by Sonia Pineda to approve the site plan of **MOUNTAINLAND HEAD START** at 275 West Center Street in the C2 zone.

**Staff Presentation:** The applicant has acquired Lot 2 of Timpanogos Retirement Residence Subdivision Plat B and desires to construct a new facility for Mountainland Head Start. The proposed building is single

## **“Planning Commission minutes for May 6, 2015”**

story with a 3,500 square footprint. Access is provided by an easement across Lot 1 and Lot 2A of the same subdivision.



The Mission of Mountainland Head Start is “*to promote school readiness for children and self-sufficiency for families in need through quality comprehensive services and community partnerships.*” Mountainland Head Start assists children with education and development, health and nutrition, and children with disabilities.

The proposed use is classified as Commercial Child Daycare/Preschool as Standard Land Use 6261, which is a permitted use in the C2 zone. Mountainland Head Start currently has two locations in Orem at 925 West 2000 North and 710 West 255 North

which will remain.

The property is adjacent to residentially zoned property to the south and requires either a masonry fence or polyethylene fence unless the City Council grants a fence modification. The applicant has applied for the modification and the City Council will act on that request on May 12, 2015. The Planning Commission shall look at the site plan and approve, if found to meet all applicable ordinances, with one of the two required fence materials. Should the City Council approve the modification, their resolution will supersede the Planning Commission approval of the south fence materials. The neighbors to the south have agreed that the proposed modification to install a vinyl fence is acceptable.

**RECOMMENDATION:** The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission approve the site plan of Mountainland Head Start at 275 West Center Street.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Ms. Jeffreys asked if there is shared parking now. Mr. Stroud said there is parking for Crawford Dental. Mr. Walker asked if that would be the only parking. Mr. Stroud said the Mountainland parking will mirror Crawford Dental parking.

Ms. Larsen asked if they will be required to fence on the east or west side. Mr. Stroud indicated they do not need to because of the commercial zone. The tot lot will be fenced.

Chair Moulton invited the applicants to come forward. Sonia Pineda, Russell Armstrong introduced themselves.

Ms. Jeffreys noted the other two locations are near schools. Since this is not near a school, he asked if this is a good location. Ms. Pineda said yes, since parents provide their own transportation. The school district was generous for allowing them to build at this location.

Chair Moulton asked if the play area will be against the fence to the south. Ms. Pineda said yes there will be a bicycle path around the edge and the structure will be in the center.

Mr. Stroud noted the neighbors are okay with the vinyl fence.

Ms. Jeffreys asked if the structure is a prefab. Ms. Pineda said yes. They will have stucco panels instead of siding.

Ms. Jeffreys then asked if there is concern about the access at the Seville. Ms. Pineda said she encourages parents to carpool. There are two classrooms that stagger their times so that the end times are different and that should help.

## **“Planning Commission minutes for May 6, 2015”**

Ms. Larsen asked if they follow the school year schedule. Ms. Pineda said yes. She noted there will nothing happening in the summer and outside time is 30 minutes in the morning and afternoon.

Ms. Larsen then asked how many parking stalls are to the north of the building. Mr. Stroud said there are 16 stalls.

Mr. Armstrong said they will use regular garbage cans along with Crawford Dental.

Ms. Jeffreys inquired how many employees. Ms. Pineda said there are seven employees. She will encourage them to park in the Target parking lot. They have a parking agreement with Crawford and parents can park there also.

Chair Moulton asked if there is a traffic pattern for drop off and pick-ups. Mr. Armstrong said that because of the age of children (3-4 years old) parents must park and walk their kids in.

Ms. Larsen asked what the parking requirements are based on. Mr. Stroud said in this zone some uses are rated differently. This use is one stall per 4,000 square feet.

Mr. Whetten asked about the building materials. Mr. Armstrong said the building will be set in cement and the stucco panels will be in four pieces. They will come in four pieces and will the building will be inspected by the building department. Mr. Walker asked if there is brick along the bottom. Mr. Armstrong said there will be a stone look on the bottom. This type of building is more energy efficient.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

**Planning Commission Action:** Ms. Jeffreys said she is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to approve the site plan for Mountainland Head Start at 275 West Center Street. Ms. Larsen seconded the motion. Those voting aye: Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.2** as follows:

**AGENDA ITEM 3.2** is a request by John Lindsley to amend **SECTION 22-11-13(D) OF THE OREM CITY CODE PERTAINING TO SETBACKS IN THE PD-1 ZONE** at 175 West Center Street.

**Staff Presentation:** The PD-1 zone contains Target and Taco Bell and enough land area to locate another commercial pad. The developer requests a change to the PD-1 zone text to change the setback requirements. The proposed text change is as follows:

### **D. Site Development Standards.**

1. ~~Building and Fence~~ Setbacks: All buildings shall be set back at least twenty feet (20') from Center Street and Orem Boulevard. All buildings shall be set back at least forty feet (40') from 165 South, 200 West and all residentially zoned property. No setback is required from other commercially zoned property. The building setback and fence setback from any dedicated street shall be forty feet (40'), except however, Notwithstanding the above, a portion of an irregular shaped building and any fence may encroach into a required forty foot (40') ~~the~~ setback area provided the following criteria are met:

## “Planning Commission minutes for May 6, 2015”

a. The square footage of the portion of the building or fence that encroaches into the setback area shall not exceed the total square footage of the area that is located between the forty foot setback line and those portions of the building or fence that are set back more than forty feet from the street.

b. In no case shall any building or fence, or portion thereof be closer than thirty feet (30') to 165 South or 200 West, any dedicated street.



The change reduces the setback from 40 feet to 20 feet for any building adjacent to Orem Boulevard and Center Street. It keeps the requirement of 40 feet next to 165 South and 200 West with an exception of a portion of an irregular shaped building or fence encroaching no closer than 30 feet adjacent to these two streets. This was the original language of the text. The change only affects development along Orem Boulevard and Center Street. This is the most likely the last pad area to develop at the Target shopping center.

The purpose of this request is to facilitate the development of a commercial building at the corner of Orem Boulevard and Center Street and provide better pedestrian access to Center Street.

### Advantages

- Locates a future building closer to the street allowing better pedestrian access to Center Street
- Reduces landscape water demand
- Residents to the south and west are protected with the same standards as originally approved
- Brings the building closer to the street increasing the aesthetics of the project

### Disadvantages

- None identified

**Recommendation:** The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission forward a positive recommendation to the City Council to amend Section 22-11-13(D) of the Orem City Code pertaining to setback requirements of the PD-1 zone at 175 West Center Street.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Chair Moulton asked why they are asking for the extra feet. Mr. Stroud noted it gives the applicant some flexibility for development.

Chair Moulton invited the applicant to come forward. Scott Moron introduced himself.

Mr. Whetten said that he has been to Corner Bakery's in bigger cities and they are right on the corner. If Orem were to develop a downtown this area would be included and he wondered if there was a possibility to reduce the setback to 8-10 feet by pulling the building closer to the corner and have a patio connected to the sidewalk which would reduce the landscape buffer. This may provide more square footage in the building. Mr. Moron said the initial desire was to put it close to the corner of both Center Street and Orem Boulevard. There is a proposed patio on the east side. If the patio seating is not adequate, they will add more patio seating along Orem Boulevard. They cannot increase the building size, because Target will only allow a 7,000 square foot building. Mr. Whetten asked if the applicant would support a smaller setback. Mr. Moron said yes. The reason they wanted to reduce it from 40-feet to 20-feet is to allocate the parking that is required by Orem City and Target.

Ms. Larsen asked if there are any other entrances on the north side of the building. Mr. Moron said the entire building is separated for 4,000 square feet for Corner Bakery and the additional 3,000 square feet will be 1-2 tenants. They are only showing a rear door out of the north of the building, but there are no other exits for the Corner Bakery. Ms. Larsen said there is an access to the patio from the east and from the rear for the other tenants. It looks like it is designed to show that customers and park and enter from the

## **“Planning Commission minutes for May 6, 2015”**

south, typically. In order to make it more walkable, there would need entrances from the north and/or a sidewalk from the east and north. Mr. Moron said a patio could be installed along the north side. Ms. Larsen asked if an attached awning would encroach into the 20-foot setback. Mr. Stroud said that whatever is attached to the building would have to meet whatever setback is approved. If the setback is reduced to 10-feet, the maximum setback will need to be 10 feet. If it is reduced to 10 feet the option still remains that they can go closer, but is not required to. Mr. Whetten said he would like to see the building be moved closer to the street. Ms. Larsen said if it is left at 20-feet that would give the applicant another 10-foot that could allow a pergola, etc. Mr. Moron said that Corner Bakery’s have awnings. Ms. Larsen said that if it is too small a setback it would limit what they can add on. Mr. Walker reiterated that at 10-feet they can setback 20-feet if they want to. The idea is to make the corner more walkable and accessible from Center Street and Orem Boulevard. Mr. Moron said the owner would like to have those options available.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff.

Mr. Goodrich said that Center Street is on Mountainland Association of Governments (MAG) long range plan and has a need to be widened. They are just starting the Transportation Master Plan process, doing modeling and it may be premature to grant a 10-foot setback. Ms. Larsen asked about future growth on Orem Boulevard, especially with the double turn lane from Center Street. Mr. Goodrich noted that a lot of backup problems happen at intersections. The intersection may need widened in the future. They may not widen Center Street because of the impact and costs. The plans are unknown at this time. Mr. Goodrich said they have been looking at a multi-lane boulevard for State Street and there may be a short part of Center Street that could have that type of development. The City needs to make sure that they do not tie their hands with development before making a decision.

Mr. Walker asked if a 20-foot setback is enough if Center Street is widened. Mr. Goodrich said yes it is better than a 10-foot setback. Ms. Larsen said if it is widened then Corner Bakery would just remove the awning. Mr. Walker said Center Street has always been choked in this area.

Mr. Walker asked the Planning Commission if they support the 10-foot or the 20-foot. Chair Moulton indicated he was all for the 10-foot until the road widening was introduced. Mr. Walker said he thought the 20-foot worked fine. Other Commissioners agreed. Mr. Whetten said he would like to remove some of the landscaping on the north and give more patio space and maybe waive the restriction for awnings on the setback. The possibility of having future road widening requires some consideration, but he would like to see what can be done to make this more of an “urban corner” feel. The applicant can work with staff before City Council.

Chair Moulton called for a motion on this item.

**Planning Commission Action:** Mr. Whetten said he is satisfied that the Planning Commission has found this request complies with all applicable City codes. He recommends the City Council amend Section 22-11-13(D) of the Orem City Code pertaining to development standards in the PD-1 zone as outlined with the following modifications:

1. Reduce the setback to 10-feet with consideration given to road expansion; and
2. Generally encourage staff and the developer to look at possible ways to bring either the building closer or have hardscaping in order to feel more part of the corner.

Mr. Walker asked if the motion can have 20-feet and 10-feet. Ms. Larsen said the developer can build it at 20-feet. Mr. Stroud said the developer will take into consideration of what is going to happen to Center Street in the future. Mr. Whetten said that is not the Planning Commission intent. He suggested that Mr. Goodrich could make some determination about what may happen in the future. Mr. Stroud said the site shows the building 20 feet from the property line, but the property line is not the back of sidewalk it is 4-6

## **“Planning Commission minutes for May 6, 2015”**

feet beyond that. Ms. Larsen said this will give the applicant more options. She did not think they would build to ten feet because there is a risk of losing some of the building.

Ms. Larsen seconded the motion. Those voting aye: Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.3** as follows:

**AGENDA ITEM 3.3** is a request by John Lindsley to vacate Lot 1 of Orem Retail Center Subdivision, Plat A and approve the site plan/preliminary of **CORNER BAKERY** and the final plat of **OREM RETAIL CENTER SUBDIVISION, PLAT B** at 175 West Center in the PD-1 zone.

**Staff Presentation:** Mr. Stroud said his request has several items. The first is to vacate Lot 1 of Orem Retail Center Subdivision. This is needed to create a new lot on which to locate Corner Bakery. The second request is to approve the preliminary plat/site plan of Corner Bakery. A commercial site plan can also serve as a preliminary plat if the intent is to create a new lot. The final request is to approve the final plat of Orem Retail Center Subdivision Plat B.



The applicant proposes to construct a two-tenant building; one tenant will be Corner Bakery and the second will be announced at a future date. Corner Bakery has 188 locations in 21 states and Washington, DC. Utah currently has five locations from Ogden to Draper. From Corner Bakery's website:

Inspired by great fresh ingredients, our small neighborhood bakery on a corner in downtown Chicago began creating artisan breads and freshly baked sweets. And upon a little success, neighbors began to ask us for sandwiches made with that fabulous bread, followed by homemade soups and salads, and even made-to-order scramblers. Our guests' requests continued to inspire us as our bakery's menu and business grew.

The proposed building will house two tenants; Corner Bakery will occupy 4,000 square feet with the remaining 2,600 square feet for the future tenant. It is possible the remaining space could house two tenants but the applicant has indicated it will be marketed for a single user.

Corner Bakery, like Taco Bell, is granted an access easement on the final plat through the Target lot but must locate all required parking on site. With the loss of parking from Taco Bell and Corner Bakery, Target has 818 stalls remaining whereas only 700 stalls are required. Corner Bakery will have 76 stalls, which is more than required.

The building elevations will be primarily faced with brick, EIFS, and stucco. The PD-1 zone requires the all building facades to have similar architectural features and not reduce such items as is sometimes found on the side or rear of buildings. The elevations show common architectural elements on all four sides. There will also be an outdoor patio area on the east side of the building.

Landscaping already exists along the Orem Boulevard and Center Street but will be reduced (but still meet zoning requirements) with the setback reduction text amendment. The end islands in the parking lot will be landscaped and each contains a tree if there is no parking lot light in the island.

**Recommendation:** The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission vacate Lot 1 of Orem Retail Center Subdivision Plat A and approve the final plat of Orem Retail Center Subdivision Plat B, subject to the City Council approving the site plan (upon positive recommendation by the Planning Commission) of Corner Bakery at 175 West Center Street in the PD-1 zone.

## **“Planning Commission minutes for May 6, 2015”**

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Ms. Larsen asked if the dumpster is along Center Street. Mr. Stroud said there was no great area, but this area will have an easy access.

Ms. Larsen asked if there will two more tenants. Mr. Stroud said development depends on future tenants, there can be one or two. The parking can handle two more tenants.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff.

Chair Moulton called for a motion on this item.

**Planning Commission Action:** Mr. Walker said he has found that neither the public nor any person will be materially injured by vacating Lot 1 of Orem Retail Center Subdivision, Plat A, and that there is good cause for the vacation. He then moved to:

1. Vacate Lot 1 of Orem Retail Center Subdivision, Plat A; and
2. Approve the final plat of Orem Retail Center Subdivision, Plat B; and
3. Recommend the City Council approve the site plan of Corner Bakery at 175 West Center Street.

Mr. Whetten seconded the motion. Those voting aye: Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Mr. Whetten noted that the Planning Commission recommended suggestions to the PD-1 zone. Mr. Bench said if the City Council approves the change to ten feet, they would also approve the site plan to go to ten feet.

Chair Moulton introduced **AGENDA ITEM 3.4** as follows:

**AGENDA ITEM 3.4** is a request by to amend **ARTICLE 22-11-33 AND APPENDIX “O” AS IT RELATES TO DEVELOPMENT STANDARDS IN THE PD-21 ZONE** at 1200 South Geneva Road.

**Staff Presentation:** Staff recommended this item be continued to May 20, 2015.

**Planning Commission Action:** Chair Moulton moved to continue this item. Ms. Jeffreys seconded the motion. Those voting aye: Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 4.1** as follows:

**AGENDA ITEM 4.1** is a request by Ryan McDougal to enact **SECTION 22-11-55 AND APPENDIX KK, PD-42 ZONE AND AMEND ARTICLE 22-5-3(A) AND THE ZONING MAP OF THE CITY OF OREM (FUTURE ANNEXATION AREA) BY ZONING THE PROPERTY GENERALLY AT 700 WEST 2000 SOUTH TO THE PD-42 ZONE.**

**Staff Presentation:** Mr. Stroud said the applicant is currently in the process of annexing property with multiple owners located along Geneva Road and 2000 South from Utah County into Orem City. The annexation declaration overlay agreed upon by Orem City and Provo City identifies Orem’s 2000 South as the future boundary between the cities. Ideally, the applicant would like to zone property he owns to the PD-42 zone if/when the City Council approves the annexation.

The property is currently in Utah County so there is no General Plan designation of the property. The City Council will approve a General Plan designation at the time of annexation. The annexation is not scheduled yet for City Council review but it is anticipated to be decided early summer 2015 at which time the decision



## **“Planning Commission minutes for May 6, 2015”**

will be made as to the general plan land use classification and zone. To service the site with utilities, the applicant must bring water and sewer from approximately 1400 South Geneva Road to the site along 2000 South. The purpose of the annexation is to have access to City services such as water, sewer, and storm drain.

The PD zone is requested as there is no other zone classification to allow high density and stacked units as the applicant has proposed. The concept plan submitted by the applicant contains a mix of stacked units and side-by-side units at a density of 14.36 units per acre, or 201 total units. The concept plan as well as the building elevations will become part of the Code and contained in Appendix “KK.”



Since a PD zone is specific to a location, adoption of zoning text is required to outline development standards and requirements. The following are the major requirements of the proposed PD text:

**Density** – Up to 16 units per acre, which is in-line with other PD zones developed or approved for high density residential.

**Height** – Residential structure may be constructed up to a height of 50 feet. This is needed for stacked units. Should the developer decide stacked units are not needed; the townhome units will be closer to 30 feet in height.

**Setbacks** – From the west, north, and public street(s), the setback shall be 20 feet unless a structure is higher than 30 feet in which case the setback shall be the height of the structure.

**Exterior Finishing Materials** – Shall consist of brick, stone, stucco, concrete fiber-board siding or combination of these materials.

**Parking** – At least 2.25 parking stalls per unit, two of which must be covered.

**Amenities** – Some PD zones are specific as to what amenities will be provided. The proposed PD-42 text does not specify any amenities but are shown on the concept plan. However, the text would allow revision of the concept plan without City approval.

**Revision of Concept Plan** – The text contains a provision which would permit the concept plan to change at the owner/developer’s discretion without approval from the City Council or recommendation from the Planning Commission. However, The Planning Commission must still approve all site plans.

### **Advantages**

- This proposal is the impetus of the annexation petition by the developer
- Proposed high density housing is not located near any existing single-family dwellings in Orem City
- Proposal would require installation of water, sewer, and storm drain lines down Geneva Road, giving incentive for other properties to develop
- Attached residential development is better suited along the railroad right-of-way

### **Disadvantages**

- Staff has concerns with the text allowing change in the concept plan without Planning Commission or City Council review
- Development does remove open space/agriculturally beneficial property from such use

**Recommendation:** The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission recommend to the



## **“Planning Commission minutes for May 6, 2015”**

City Council approval to enact Section 22-11-55 and Appendix KK, PD-42 zone, and amend Article 22-5-3(A) and the zoning map of Orem City and future annexation area by zoning the property generally at 700 West 2000 South to the PD-42 zone subject to approval by the City Council of the annexation petition and associated items and agreements.

Mr. Goodrich indicated it appears from some rough calculations that the widening for 2000 South is not in the correct location, it should go north. There are things that need to be worked out with the applicant's engineer to make sure that is correct. The applicant needs to have correct information because it will affect the unit count. There is a six foot buffered sidewalk along 2000 South and half way up the site plan it shows a possible future access. Engineering will require that there be a stub street constructed so that it is ready for a future connection. The parking lot could be extended to the future access providing more parking. The applicant is showing sidewalks on the internal streets sidewalks on both sides of the road. There are no sidewalks on the south. The City wants to approve plans that show walkability throughout the development.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.

Chair Moulton said without sidewalks it is difficult to get to the clubhouse. Mr. Walker said that would come up in site approval. Mr. Stroud said that if it is not mandated in the text, the applicant is under no obligation to put in sidewalk.

Mr. Whetten asked if there is a need more for sidewalk. Mr. Goodrich said the internal streets are narrow, but they tend to promote slower speeds. Mr. Whetten said he likes having another access. Mr. Goodrich said the applicant has widened out the access onto 2000 South to 40 feet. This will allow an exclusive right and left turn lane. They originally had an angled intersection, but they have changed to a 90-degree intersection.

Chair Moulton invited the applicants to come forward. Ryan McDougal and Ken Olsen introduced themselves.

Mr. Whetten said staff has told them that the applicant has refined the plan. He wondered what further changes they anticipate. Mr. Olsen said this is a concept plan. It was their understanding that at the site plan they could relook some of the issues. They would prefer not putting sidewalks on both side of the road. If there were any rear entries and there was open space or courtyards sidewalks would not work.

Mr. Whetten said the elevation showed a rear entry unit. However, the site plan looks like front entry. Mr. Olsen said the design is for front entry. Mr. Whetten asked which will be built. Mr. Olsen said that all the townhomes are front entry. They are looking at a couple of different options, but they are applying for the front entry and have the stacked units with the elevations that were provided. Mr. McDougal indicated they have been exploring different options, but they wanted to provide a look that can be modified to rear entry but still have the same look with the garage on the front. Mr. Whetten said the rear entry probably does not need sidewalk along the alley. Sidewalks in general will make the development more walkable. Chair Moulton said that having language that will exclude sidewalks along alleyways would be good.

Mr. Whetten said he would like a conceptual master plan for the annexation area, to see how it flows together with transportation and density. He does not like having the three story units at this location, but he will withhold judgement until he sees the master plan.

Mr. Walker said that three stories is the maximum height in this zone. Ms. Larsen said the height limit was 50 feet. Mr. Walker said there could be four stories.

Mr. McDougal indicated that they do not have any plans on doing anything above three stories.

Mr. Whetten said the applicant is requesting 16 units per acre and the actual plan is 14.36 units per acre. This feels too dense. He would like the zone to reflect the plan and not allow future changes without approval. Mr. Stroud said that even if the master plan said low density residential, a PD zone can go

## **“Planning Commission minutes for May 6, 2015”**

anywhere. The General Plan is a guide, not the law. Mr. Whetten said the guide is important and he wants to make the decision based on the guide.

Chair Moulton said there is a section that would allow change to the concept plan without approval of the City Council. He does not feel comfortable with that.

Mr. Olsen asked if the site plan covers the details. Mr. Stroud said once the City Council approves the zone the concept plan is done. Ms. Jeffreys said the problem is changing the concept plan without the City Council's approval. The site plan is seen by the Planning Commission. Ms. Larsen said she does not like approving a plan that has a fluctuating concept plan; there are too many loose threads. The transportation issues, the connectivity between other properties, the density, sidewalk, etc. She wants sidewalks to the clubhouse. It is understandable not wanting sidewalks along an alley, but this site plan does not show the alley and should show the sidewalk. The clubhouse is the main amenity and people will need a way to get there. People will not get in their cars and drive, it needs to be walkable.

Mr. Olsen said this property is up against the train track and the property is thin to the north. Some of the connectivity should come from the west and off of 2000 South. The property is right up against the Frontrunner line and the industrial tracks and because of the surrounding properties this property should qualify for higher density. Ms. Larsen asked if the City is annexing more to the north, she is not familiar with the annexation area. Mr. Stroud said the annexation area is north of 2000 South and west of the tracks. Mr. Bench said there is property that will not be annexed into the City. Ms. Larsen asked if it possible to have another road connect to the north. Mr. Bench said that next time they will bring the property maps and show what properties are moving forward for annexation.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

Jeff Mansell said he is dumbfounded that the Planning Commission has not seen the master plan for the area of annexation. It has been around for over a year, both plans follow the master plan. The fact that the Planning Commission has not seen the annexation process is frustrating.

Sandy Morgan said she lives at the end of 2000 South. When she bought her property five years ago, they were told that road from University Parkway to the airport would be built first and the east/west road would be later. There are 1200 new homes being built between the airport and her south fence line and there are 330 on the north side of her property. This will bring around 4,000 cars along Geneva Road that never plans to be widened. She understands that the new road will be designed to handle the traffic when it is built, but now these properties are going to dump traffic onto a two lane road. She drives a large semi-truck with a horse trailer and it is difficult to turn into her property now and will be impossible with the increased traffic. She reiterated her concern that all the traffic is being dumped onto a two lane road.

Linda Brown said her property joins the McDougal property. Her concern is that Orem is overbuilding high density apartments. Recently she talked with apartment owners who felt that there are too many being built. She understands there are over 3,000 units either built or being built in Orem. When they were first told about this project they were told it would be high density along the tracks and houses between next to her property. This plan does not reflect that. She has a concern with fire and traffic. The street is already busy. When there are so many units built, it will be difficult to evacuate in case of fire.

Byran Taylor said he has a farm in this area. His farm is protected in perpetuity. In 20 years his farm will still be there. He fears that once the high density dominos begin to fall, pressure will be brought to bear that will make it all high density sandwiched around those who still want to farm. He read a letter that the neighbors sent to the City Council. In the letter he noted that there is a risk for open ditches and increased liability. He accepts that this area will be part of Orem City, but hopes it will be a desirable part of Orem City. Mixing high density and agriculture is not a good idea. When he attends meetings about the annexation, he has felt that he is viewed as an impediment, someone who is not welcome when he walks into a room. Agriculture should be viewed as an asset that could be exploited and be beneficial to Orem.

## **“Planning Commission minutes for May 6, 2015”**

Having low/medium density or even light industry blend in an aesthetic way to have the Lakeview area be appealing and desirable, not a mish-mash of high density around those who choose to maintain agriculture.

Elaine Scofield said her property will not be annexed because it is in an AG protection area. In 1999 there was a committee that was formed that included citizens from Lakeview, Orem, a Planning Commission member and a City Council member. They worked for two years and in 2001 the plan was accepted by the City Council. Somehow that plan has disappeared, the current plan was not the approved plan that the homeowners are aware of. The Orem General plan addresses the Lakeview area – it characterizes the land and low lying lands, high water table, wetlands and existing farming operations. The housing units are sparsely scattered. It calls for “new development not to impede the pre-existing agricultural activities and water drainage used by adjacent agricultural properties.” The code also states that the planning should be done after it is annexed in. This plan should be denied until after the annexation goes through, if it goes through.

Adell Leavitt said she recently drove from Alpine to Lakeview via Geneva Road. She wondered if that is what the City really wants to look at. When driving by Center Street in Orem she noticed the apartments to the west and they are packed in tight. She understands the developers wanting to maximize their money; however, the City would probably want a certain culture and look. There is high development clusters in Pleasant Grove, Vineyard and now Lakeview.

Mike Whimpey, Orem, said he shares the concerns of those who have spoken to traffic impacts to this area. He supports seeing a master plan for the entire area. It seems premature to discuss sidewalks when the annexation has not even been approved. He is also concerned about the impacts along Sandhill Road, Geneva Road and also the impact to the east of I-15, 2000 South and Main Street. There is discussion of extending Provo City’s Independence Avenue onto Sandhill Road. Sandhill Road is already a heavily used by Provo City. Any development does not have many destinations to the north and so major traffic will go onto Sandhill Road and 2000 South in Orem. He is concerned about the inconsistent land use both with existing and new development that is occurring within Provo City. The development in Provo has single family homes along with townhomes.

Richard Wilkerson, Orem said he has numerous concerns. One of his concerns is that Sandhill Road will really get plugged because it is already hard to get onto Geneva Road from Sandhill Road. It is already busy and adding all these units will be a big traffic jam. It is too dense for the area. Another concern is that it is premature to put a PD zone on this property before the annexation. He feels there should be a State agricultural study done. This is one of the best agricultural lands in the State of Utah. The State should give a recommendation before it is plowed under and build housing. It will be a big loss to our future food security. This will affect those who are remaining in agriculture. Putting a development next to Frontrunner is not well and the train is noisy and there should be a sound wall along the track. The units near the train should be sound proof. He has been a vegetable farmer for many years and good property is hard to come by.

Richard Wilkerson, Jr, Orem, said he runs the farm on this property. They have thousands of people flocking to this place to get some open space and hang out. It is the last open agricultural area between Orem and Provo. He is hoping it can be kept open ground. There are a lot of people who come from the surrounding region and support their farm. Orem City can turn into a bad place by a bad development style.

Barry Brown said he is concerned about the density on the west side of this development there will only 500 feet of backyard to the townhomes. Change does come, but one of the issues addressed in the General Plan is open space. It seems that now it has turned to the point that green space is unwanted and we only want apartments. Putting this development would land lock their back property of 1½ acres. We hope that the citizens can view the master plan of the entire Lakeview area before it is approved.

Jeremy Peterson, Orem, said he understands that development will happen over time. He has a big issue with the density plan. He lives off of Sandhill Road. People will continue to use Sandhill Road, which is a residential road and very narrow and dangerous. Adding this many homes will make it even worse.

## **“Planning Commission minutes for May 6, 2015”**

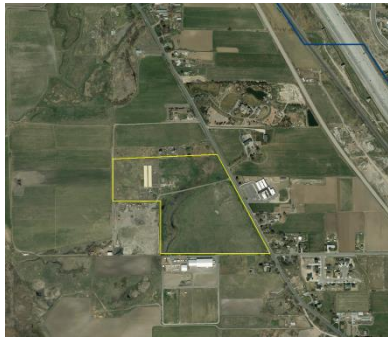
Chair Moulton tabled the public hearing.

**Planning Commission Action:** Chair Moulton moved to continue this item to a later date. Mr. Whetten seconded the motion. Those voting aye: Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 4.2** as follows:

**AGENDA ITEM 4.2** is a request by Jeff Mansell to enact **SECTION 22-11-56 AND APPENDIX LL, PD-43 ZONE, AMENDING ARTICLE 22-5-3(A) AND THE ZONING MAP OF THE CITY OF OREM (FUTURE ANNEXATION AREA) BY ZONING THE PROPERTY GENERALLY AT 2000 SOUTH GENEVA ROAD TO THE PD-43 ZONE.**

**Staff Presentation:** Mr. Stroud said the applicant has partnered with Ryan McDougal to annex properties along Geneva Road and 2000 South from Utah County into Orem City. The annexation declaration overlay agreed upon by Orem City and Provo City identifies Orem’s 2000 South as the future boundary between the cities. Ideally, the applicant would like to zone property he owns to the PD-43 zone if/when the City Council approves the annexation. The property is currently in Utah County so there is no General Plan designation of the property. The annexation is not scheduled yet for City Council review but it is anticipated to be decided early summer. To service the site with utilities, the applicant must bring water and sewer from approximately 1400 South Geneva Road to the site along 2000 South. The purpose of the annexation is to have access to City services such as water and sewer.



The PD zone is requested as there is no other zone classification to allow high density as the applicant has proposed. The concept plan contains side-by-side attached units with three architectural styles in residential development areas. Total unit count is 274 at a density of 7.7 units per acre. The concept plan as well as the building elevations will become part of the Code and contained in Appendix “LL.”

Since a PD zone is specific to a location, adoption of zoning text is required to outline development standards and requirements. The following are the major requirements of the proposed PD text:

**Areas** – Two areas of development are proposed; the larger of the two containing 35.4 acres will be for residential development and referred to Area “A” and approximately 1.5 acres of commercial development at 2000 South and Geneva Road as Area “B”.

**Density** – Up to 12 units per acre, which is in-line with other PD zones developed or approved for high density residential.

**Height** – Residential structure may be constructed up to a height of 35 feet. In Area “A” while the maximum height in Area “B” is 45 feet.

**Setbacks** – Area “A” shall have at least 20 feet to all exterior boundaries, private streets, and Area “B”. Any structure in Area “B” shall be setback from public streets and shared boundaries of Area “A” at least 20 feet or the height of the structure, whichever is greater.

**Exterior Finishing Materials** – Shall consist of brick, stone, stucco, concrete fiber-board siding or combination of these materials.

**Parking** – At least 2.5 parking stalls per unit, two of which must be covered.

**Amenities** – All amenities shown on the concept plan shall be incorporated into the development.

## **“Planning Commission minutes for May 6, 2015”**

### Advantages

- Proposed high density housing is not located near any existing single-family dwellings in Orem City
- Proposal would require installation of water and sewer lines down Geneva Road, giving incentive for other properties to develop
- Development incorporates wetland area to provide for on-site storm water retention

### Disadvantages

- None identified

**Recommendation:** The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission recommend to the City Council approval to enact Section 22-11-56 and Appendix LL, PD-43 zone, and amend Article 22-5-3(A) and the zoning map of Orem City by zoning the property generally at 2000 South Geneva Road to the PD-43 zone subject to approval by the City Council of the annexation petition.

Mr. Goodrich said the applicant has shown preservation of around 105 feet wide corridor for the Lakeview Parkway. The Lakeview Parkway is an extension of Geneva Road at approximately 1500 South. It will be a five lane roadway and serve as the mainline artery that goes north/south between Orem and Provo. The intent is to take traffic from Geneva Road and have the Lakeview Parkway carry the main brunt of the traffic. MAG is the entity that provides federal funding and they show that as the first phase for construction in this corridor. That would be sometime between now and 2024. MAG may not build all five lanes in the beginning. MAG is also interviewing different consulting firms to look at the 820 North Provo interchange, which will take a lot of the traffic off 2000 South, Sandhill Road and Geneva Road from Provo will change.

Mr. Whetten asked that when these items come before the Planning Commission again that there will be a discussion about the Lakeview Parkway also. Mr. Goodrich said that Mr. Mansell has an appointment with UDOT and he will go with him to help work out some of the issues. In 2008, UDOT designed Geneva Road to be a five-lane highway and he would like to discuss with them the changes.

Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

Sean Bunderson said that during the discussion there seems to be confusion on how far north the annexation will go. He has been asking for annexation for about three years. He has been trying to build a home through the County. They are constantly putting him off. He is unable to build on his piece because of hooking into the water. Annexation would allow him to build on his property and allow others to develop their land.

Jeff Mansell said that through the process of annexation, the City has refused to put in the improvements to support the different property owners. Over 80% of the owners are in favor of the annexation so that they can develop their property. He understands those who do not want to develop. Those who want to develop are being required to put in all the improvements for the entire area. This is a significant financial decision and they need to know if they will be able to develop in order to pay for the improvements. The roadways are the same issue, 2000 South will be 54 feet of asphalt, which is a three lane road. He will have to develop the majority of that, because the City will not step up. Also, he will end up widening Geneva Road to a three lane road in front of his property. If the City is not going to pay for the improvements in the road or the utilities, then he needs to get the ball rolling. The annexation has been going since February 2014. Mr. Mansell said what is proposed reflects what is going to happen in this area with a major roadway, expanding surrounding roads, and the corner piece, owned by Skip Dunn, becoming a prime commercial spot. His development mirrors what is happening on the Provo side and what will eventually happen on the Orem side.

Sandy Morgan said she is the opposite opinion of Mr. Mansell. She owns the lane on 2000 South and she is guessing that Provo City will condemn her property in order to make the five lane road. She would like to

## **“Planning Commission minutes for May 6, 2015”**

keep it until the major road goes through. When the road goes through there will be a place to send the traffic. Mr. Mansell is going to develop 50 feet of his property and 75 feet of her property, but she does not want to give it up. Mr. Mansell wants to build his property out and she and those who live there do not want it to be built out, but remain an agricultural and farming area.

Byron Taylor said he supports having a master plan that will be followed by the City. The Skip Dunn property is next to his property, which will be a farm forever.

Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff.

Mr. Walker said there is a process that needs to be followed and his understanding is that the annexation is still in the process. Mr. Bench said it is close to being ready; the City is waiting on a few items. The City did not want to present the annexation until all the information was complete. Mr. Walker said the process seems to be annex first, determine the zoning and then develop. The City did an agricultural overlay for the Crandall orchard, which allowed them to stay orchard for as long as they want. It also gave them some protection for agricultural uses. The City is looking out for some agricultural. He added he would not want to pay for nice homes right next to the railroad tracks.

Mr. Kelly said the master plan that they are working on is just for the major trunk lines for sewer and water, the lift station and the zoning designations. As far as connectivity and roadways, that will not be on there. Transportation issues are development driven.

Ms. Jeffreys asked if there are other farms like the Taylor's in perpetuity. Mr. Stroud said there are other farms that are either in a conservation easement or an AG easement. The conservation easement is there forever and the property rights are removed. AG Easements can be removed and the property development. The AG overlay does protect some of the ordinances from nuisance complaints against ad uses.

Ms. Jeffreys asked if a developer can force someone to develop. Mr. Stroud said a developer cannot force anyone out. The owner will have to agree to sell property. Ms. Leavitt agreed that the developers cannot force them out, but surrounding development can make it difficult to farm, almost impossible. It can be tough to get water, hard to get the tractor across Geneva Road, etc. They cannot forcibly take it over, but the farmers have been feeling the squeeze and pressure of development. They do not feel very welcome.

Mr. Whetten said he is comfortable with the overall density of eight units per acre. There is more density along Geneva Road and 2000 South, which will be smaller roads than the new road on the west. He is hoping the master plan will help him reconcile that. The southeast corner has the three story building; Provo approved a couple of three-story buildings near this. The three story buildings do not fit in this area and he would not support that.

**Planning Commission Action:** Chair Moulton moved to continue this item to a future meeting date. Ms. Larsen seconded the motion. Those voting aye: Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

**DIRECTOR'S UPDATE:** Mr. Bell said that the annexation is a work in progress. Staff has waited for the City Council to work through the process, because there have been many changes. The annexation went to Provo and they protested control of 2000 South. The City is still working on the details. At a future meeting, staff will give a presentation on these annexations.

**MINUTES:** The Planning Commission reviewed the minutes from the previous meeting. Chair Moulton then called for a motion to approve the minutes of April 22, 2015. Ms. Jeffreys moved to approve the meeting minutes for April 22, 2015. Mr. Walker seconded the motion. Those voting aye: Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.



**“Planning Commission minutes for May 6, 2015”**

**ADJOURN**

Chair Moulton moved to adjourn. Mr. Whetten seconded the motion. Those voting aye: Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

**Adjourn: 6:41p.m.**

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Jason Bench  
Planning Commission Secretary

Approved: May 20, 2015